



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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September 23, 2016

**VIA ECF**

Honorable William F. Kuntz, II  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Kashif Alleyne, et al. v. City of New York, et al., 15-CV-01860 (WFK)(VMS)

Your Honor:

I am an attorney in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, representing the defendants, Detectives Ylka Morales *s/h/a* "Yika Morales," Natia Kalandadz, James McCullough, Lorne Kanover and Waliur Rahman, in the above-referenced matter. Defendants write to inform the Court that after some consideration, Defendants have determined not to file a Motion to Dismiss the Second Amended Complaint.

By way of background, plaintiffs filed a motion for leave to file a Second Amended Complaint on July 28, 2016. (Docket No. 44). A hearing was held before Your Honor on August 31, 2016. At that hearing, defendants opposed the Second Amended Complaint, and the Court permitted plaintiff to file the Second Amended Complaint and set a schedule for defendants to file a Motion to Dismiss. Since that time, discovery has continued and is set to close on October 7, 2016. Given the additional documents gathered during discovery, Defendants have determined that filing a Motion for Summary Judgment after the close of discovery, in accordance with Your Honor's Individual Rules, would be more appropriate and would ultimately save the Court and the parties time and resources.

Thank you for your time and consideration.

Respectfully submitted,

/s/

Wilda J. Rodriguez  
*Assistant Corporation Counsel*

cc: Robert Marinelli, Esq. (By ECF)